IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13792 of 2005
With
CIVIL APPLICATION No. 12099 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNITED INDIA INSURANCE CO.LTD.RAJKOT - Petitioner(s)

Versus

JANMAHAMAD BAHAUDDIN RAUMA & 1 - Respondent(s)

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Appearance :
MR PV NANAVATI for Petitioner(s) : 1,MR VIBHUTI NANAVATI for Petitioner(s) : 1,
MR ASHUTOSH R BHATT for Respondent(s) : 1,
UNSERVED-EXPIRED (R) for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/12/2005

ORAL JUDGMENT

With the consent of the learned advocates appearing for the parties, the matter is taken up for final hearing today.

2. In this petition under Article 226/227 of the Constitution of India, the petitioner Insurance Company has challenged the legality and validity of the order dated 11th March 2005 passed by the Motor Accident Claims Tribunal (Aux.), 8th Fast Track Court, Rajkot, below Exh. 30 in Claim Case No. 305 of 1996.

3. The learned advocates appearing on behalf of both the parties, i.e., the petitioner Insurance Company as well as the original-claimant have jointly submitted and agreed that let the Tribunal be directed to decide and dispose of the Claim Case by awarding the compensation payable to the original-claimant considering the provisions of the Workmen's Compensation Act. Both the learned advocates have also submitted that the very Tribunal has also jurisdiction to pass such an order. Under the circumstances, the following order is passed;

> “The learned Tribunal is directed to decide and dispose of the Claim Case No. 305 of 1996 by awarding the compensation to the original-claimant considering the provisions of the Workmen's Compensation Act in accordance with law and on merits as early as possible and preferably within the period of 6 months from the date of receipt of this order.”

4. The present petition is disposed of in terms of the above order.

5. In view of disposal of the main Special Civil Application, no order on Civil Application No. 12099 of 2005 which stands disposed of accordingly. Direct service is permitted.

[M.R. Shah, J.]

RMR.